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CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Defendants Robert L. Ayers, Jr. and  
Teresa A. Schwartz

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

**DEANNA L. FREITAG,**

Plaintiff,

v.

**CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND REHABILITATION,  
ROBERT L. AYERS, JR., and TERESA A.  
SCHWARTZ,**

Defendants.

Case No.: C-00-2278 TEH

**NOTICE OF APPEAL FROM  
ORDER GRANTING  
PLAINTIFF'S MOTION RE:  
REMANDED ISSUES  
ORDER ENTERED JUNE 6, 2007**

**NOTICE IS HEREBY GIVEN THAT** defendants, Robert L. Ayers, Jr. and Teresa  
A. Schwartz, and each of them, hereby appeal to the United States Court of Appeals for the Ninth  
Circuit from the order of this Court granting plaintiff's motion regarding remanded issues, which  
order was entered against defendants in the above-captioned proceeding on June 6, 2007.

Pursuant to the Federal Rules of Appellate Procedure and Ninth Circuit Rules,  
defendants' Civil Appeals Docketing Statement is filed concurrently herewith. Fed.R.App.P. 25;

9<sup>th</sup> Cir. Rule 3-4. A true and correct copy of the appealed-from order is attached thereto as Exhibit A and incorporated herein by this reference.

Pursuant to the Federal Rules of Appellate Procedure and Ninth Circuit Rules, a true and correct copy of defendants' Representation Statement is attached to defendants' Civil Appeals Docketing Statement as Exhibit B and incorporated herein by this reference. Fed.R.App.P. 12(b); 9<sup>th</sup> Cir. Rule 3-2(b), 12-2.

Pursuant to the Federal Rules of Appellate Procedure and Ninth Circuit Rules, defendants have ordered a reporter's transcript of the proceedings held on June 4, 2007, at 10:00 a.m., in Courtroom 12, and before the Honorable Thelton E. Henderson, during which oral arguments upon plaintiff's motion upon remanded issues were heard and reported. A notice of ordered transcript is filed concurrently herewith. Fed.R.App.P. 10; 9<sup>th</sup> Cir. Rule 10-3.1(a). True and correct copies of the order for reporter's transcript and fax transmittal sheet are attached thereto as Exhibit A and incorporated herein by this reference.

Dated: June 27, 2007

Respectfully submitted,

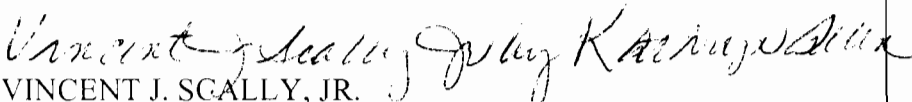
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**DECLARATION OF SERVICE BY U.S. MAIL**

Case Name: **Freitag v. CDCR, et al.**

Case No.: **C-00-2278 TEH**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On June 27, 2007, I served the attached **NOTICE OF APPEAL FROM ORDER GRANTING PLAINTIFF'S MOTION RE: REMANDED ISSUES ORDER ENTERED JUNE 6, 2007** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 1300 I Street, Suite 125, P.O. Box 944255, Sacramento, CA 94244-2550, addressed as follows:

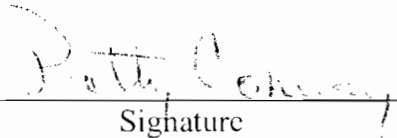
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Attorney for Plaintiff

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on June 27, 2007, at Sacramento, California.

\_\_\_\_\_  
Patty Conway  
Declarant

  
\_\_\_\_\_  
Signature